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Item 13 of the agenda

INTERNATIONAL PEACE AND SECURITY AS AN ESSENTIAL CONDITION FOR THE ENJOYMENT OF HUMAN RIGHTS, ABOVE ALL THE RIGHT TO LIFE

Joint written statement submitted by the Afro-Asian Peoples' Solidarity Organization, the International Institute for Non-Aligned Studies and the Union of Arab Jurists, non-governmental organizations in consultative status (category II) and by the International Progress Organization, a non-governmental organization on the Roster

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[16 August 1996]

Joint NGO appeal on the question of sanctions and human rights

We, the undersigned representatives of international non-governmental organizations, meeting in Geneva for the forty-eighth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, urgently call upon the Sub-Commission to take up the question of the compatibility of a policy of economic sanctions with the basic principles of human rights.

We recall the International Progress Organization's earlier submission to the Sub-Commission at its forty-third session on 13 August 1991 (E/CN.4/Sub.2/1991/SR.10, paras. 90-95) on the issue of the admissibility of comprehensive economic sanctions against a whole people.

Economic sanctions - and in particular comprehensive economic sanctions - are a form of collective punishment that is in total contradiction to the basic principles of justice and human rights. The right to life, the right to adequate nourishment and health care are inalienable rights that form part of the jus cogens of general international law. Those rights are the basis of international legality and of the legitimacy of the Charter of the United Nations as well.

For this reason, it is inadmissible that an organ of the United Nations Organization such as the Security Council - by decision under Chapter VII - violates those basic rights of entire populations in the name of international peace and security. The comprehensive economic sanctions imposed on the people of Iraq since 1990, the air embargo and sanctions imposed on the people of the Libyan Arab Jamahiriya since 1992, or the air embargo against the Sudan now being proposed in the Security Council are tantamount to a denial of the basic human rights of the populations of the targeted countries and constitute a form of collective economic aggression in the name of the United Nations.

The case of Iraq clearly proves to the international community that the use of sanctions is an illegitimate form of collective punishment of the weakest and poorest members of society, the infants, the children, the chronically ill and the elderly. In Iraq over 560,000 children under the age of 5 have died since the end of the Gulf war (1991) as a result of the sanctions. Seventy per cent of the population are suffering some form of malnutrition. This chronic malnutrition has decimated an entire generation of Iraqi children. Thirty per cent of all children are permanently stunted, suffering the effects of emaciation and wasting. In the case of Libya, the total flight ban has caused hundreds of deaths because of the unavailability of emergency air ambulance services to foreign hospitals.

Sanctions of this form are a severe case of human rights violations where the innocent civilian population of the targeted State is deliberately and indiscriminately attacked by a decision of a group of States as represented in the Security Council in order to obtain a change of the political behaviour from a third party, namely the Government of the targeted country. Such sanctions are in total contradiction to the provisions of the Geneva Conventions of 12 August 1949, in particular the provisions of articles 48, 49 and 54 of Additional Protocol I (1977). Multilateral economic sanctions as described above make the civilian population the hostage of the Security Council or of the group of States imposing and implementing the coercive measures. Such sanctions constitute a crime against humanity as defined by the International Law Commission of the United Nations on the basis of the principles of the Nürnberg War Crimes Tribunal. Because of their aggressive nature, they constitute a serious threat to international peace and security and undermine the very goal they are supposed to promote in the language of the Security Council's resolutions.

It must be said that the responsible politicians of the Security Council Member States bear a personal, moral and legal responsibility for the grave consequences resulting from the above-described punitive sanctions measures.

Economic sanctions and blockades - as now applied as the "weapon of choice" on a multilateral basis by the Security Council and on a unilateral

basis by the United States - are comparable in their devastating impact to a weapon of mass destruction directed at a whole people. They are incompatible with civilized human behaviour as earlier defined in the Hague Conventions of 1899 and 1907. We would like to refer, in this context, to resolution 1994/47 of the Commission on Human Rights on "Human rights and unilateral coercive measures". Paragraph 2 of this resolution expressly maintains that coercive economic measures prevent the full realization of all human rights, with special reference to children, women and the elderly. Directing our attention to the Universal Declaration of Human Rights, the resolution calls on all States to forbear from such practices. What is true in the case of unilateral sanctions, is equally true in the case of multilateral sanctions such as those imposed by the Security Council! No policy of double standards must be accepted on this vital issue of human rights and international legality.

We, the submitting non-governmental organizations, urgently appeal to the Sub-Commission to carefully study this matter of grave human rights violations - directed against whole peoples - caused by the sanctions policy of the Security Council (multilaterally) or by bilateral economic sanctions imposed by the United States as in the case of Cuba. All those sanctions violate the basic rights of the population in the targeted countries and the right to development of the people in the affected regions. The violation of letter and spirit of the Charter of the United Nations and of the Universal Declaration of Human Rights by those sanctions must not be tolerated.

We, therefore, repeat our call of 1991 and urge the Sub-Commission to condemn such cases of grave and systematic violations of human rights through comprehensive sanctions - whether multilaterally or unilaterally - and to take appropriate action within the statutory framework of the United Nations system so that the Security Council and individual United Nations Member States will desist from such practices and that no precedent will be created for establishing such an instrument of collective punishment.

How shall the commitment of the United Nations to the universal realization of human rights and to the international rule of law be credibly propagated if the world organization itself tolerates - or commits, as in the case of Security Council sanctions resolutions under Chapter VII - this cruel form of collective punishment and indiscriminate aggression against the civilian population? How can one accept the victimizing of the civilian populations of the countries targeted by the sanctions for the sake of the power struggles and conflicts among the Governments of certain United Nations Member States? Sanctions of this kind are a direct continuation of war, not a means to restore or preserve peace.

We appeal to the conscience of the members of the Sub-Commission to take action on this most urgent humanitarian issue in line with Commission resolution 1994/47 of 4 March 1994.